Hale, P. C. 32-35. Since the court does declare that a method of release is provided, it would by no means be recondite reasoning to construe the statute as giving the defendant, not an unconditional release, but the right *not* to be deprived of liberty without a judicial trial. This would be congruous with many constructions of "due process of law." *In re Brown, supra.* The principal case is with the trend of the present majority view. *Gleason* v. *West Boylston,* 136 Mass. 489; *Thompson* v. *Snell,* 46 Wash. 327, 9 L. R. A. (N.S.) 1191; *People ex. rel. Peabody* v. *Chandler,* 196 N. Y. 525, 25 L. R. A. (N.S.) 947. *Contra, In re Boyett, supra;* See dissent by GAYNOR, J. in *People ex rel. Peabody* v. *Chandler, supra.* For a discussion of the general subject see 9 MICH. L. REV. 126.

ELECTRICITY—INTERFERING CURRENTS.—The plaintiff, a telegraph company, maintaining and operating telegraph lines on its right of way, sued the defendant, a railway company, operating a line of electric railroad on its adjacent right of way, to restrain the latter from operating its line of railway until the same should be so constructed as not to render useless plaintiff's telegraph system by reason of the high tension currents carried in the trolley wires. *Held,* that the injunction be refused. *Postal Telegraph & Cable Co.* v. *Chicago L. S. & S. B. Ry Co.* (Ind. 1912) 97 N.E. 20.

The decision is based upon the holding in *Lake Shore & M. S. Ry Co.* v. *Chicago L. S. & S. B. Ry. Co.,* 92 N.E. 989 where, with a similar statement of facts, the court refused to apply the maxim *"Sic utere tuo ut alienum non laedas"* of *Fletcher* v. *Rylands,* I L. R. Exch. 263, as that case had been discredited in some courts of this country. Also the court said, "the defendant was a quasi-public corporation legally authorized to make a non-natural use of its land, that the use of electricity was common to both parties and both were acting under legislative authority." But undoubtedly the defendant had collected on its land something likely to do mischief, and was allowing it to escape to his neighbor's damage. The real answer to the plaintiff's claim seems to be an affirmative defense of justification. *National Telephone Co.* v. *Baker* [1893] L. R. 2 Ch. 186; *Cumberland etc. Co.* v. *United Electric Co.,* 42 Fed. 273, 12 L. R. A. 544; *Cincinnati etc. Ry. Co.* v. *City etc. Association,* 48 Ohio St. 390, 12 L. R. A. 534, 29 Am. St. Rep. 559 and notes; *Hudson River Tel. Co.* v. *Watervliet etc. Co.* 135 N. Y. 393, 17 L. R. A. 674, 31 Am. St. Rep. 838. In these cases the defendant escapes because it is using the highway as it is legally authorized to do, and because it is furthering the dominant use of the highway. And so in the principal case the defendant, although not making use of a public street, was conducting in a reasonable manner a business essential to the community. Nothing which is authorized by competent authority is a nuisance *per se.* Something more than mere incidental damages must be proved to entitle the one injured to an injunction. *Grand Rapids Ry.* v. *Heisel,* 38 Mich. 62; *Northern Trans. Co.* v. *Chicago,* 99 U. S. 635. The interests of the public are to be considered if they are affected by the injunction. *Taylor* v. *Fla. etc. Ry. Co.,* 54 Fla. 635, 16 L. R. A. (N.S.) 307; *Stewart Wire Co.* v. *Lehigh Coal Co.,* 203 Pa. St. 474. The rule is laid down in *Cumberland* v. *Elec. R. Co. supra,* that "if it were shown by the use of

certain devices that the defendants could control their currents so as not to interfere with the use of complainant's instruments, the law might treat their failure to adopt such measures as negligence in the use of their franchise and enjoin them." See also *Peoria Water Works Co.* v. *Peoria Ry. Co.*, 181 Fed. 990, 9 MICH. L. REV. 355. But negligence, unskillfulness, and malice, in the operation of the railway were not charged in the principal case, nor was it shown how the alleged nuisance could be corrected.

EQUITY—INJUNCTION AGAINST UNFAIR COMPETITION.—Plaintiff and defendant were both manufacturers of vacuum cleaners. Defendant claimed to own a patent which covered all such machines, and had persisted in writing letters to customers of plaintiff threatening suits. Plaintiff had invited defendant to bring suit for infringement of the patent so that the matter might be determined, but defendant had not pressed his claim, and had continued to write letters to the plaintiff's customers. Plaintiff seeks injunction. *Held*, injunction granted. *Electric Renovator Mfg. Co.* v. *Vacuum Cleaner Co. et al*, (1911) 189 Fed. 754.

A court of equity will enjoin unfair competition if the injured party does not have an adequate remedy at law. *Gilly* v. *Hirsh*, 122 La. 966; *Halstead* v. *Houston*, 111 Fed. 376. That the question whether or not the sending out of letters threatening suit for the infringement of patents when the claims of the writer have not been established, is within the rule has previously been before the courts. *Farquhar Co. Ltd.* v. *Nat. Har. Co.*, 102 Fed. 714; *Adriance, Platt & Co.* v. *Nat. Har. Co.*, 121 Fed. 827. Both of these cases held that the defendant's acts constituted unfair competition and that equity would enjoin them. The principal case is in accord with the two cases last cited and strengthens the opinions there laid down. It holds that even where the defendant has a suit pending for the purpose of determining his claim to the exclusive manufacturing right under his patent, he can not write threatening letters to plaintiff's customers.

FISHERY—IN GROSS OR APPURTENANT.—Complainant, a canal company, was incorporated under an act of Parliament which provided that "the owner and owners of all and every manor and manors through which the said intended cut or canal shall be made, shall have and be entitled to the sole, several and exclusive right of fishery of and in so much of the said cut or canal * * * as shall be made over, through *** or within his, her or their, manor or manors respectively." In 1845 land through which the canal was made was granted to the Earl of Shrewsbury, together with all "tolls, duties, fisheries, profits * * * respectively belonging or in any way appertaining" thereto. In 1910 the Earl of Shrewsbury granted to an angling club of which the defendant is a member, the exclusive right to fish for and take away fish from that part of the canal within lessor's said land. The canal company seeks to enjoin the exercise of this grant. *Held*: the right, being one to take fish without stint, and without relation to the needs of the land, was not a right appurtenant, or capable of being made appurtenant, to the land, but a right in gross, and not capable of passing under the general words of the deed of 1845. *Staffordshire and Worcestershire Canal Navigation* v. *Bradley* [1912] 1 Ch. 91.